

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

The parties last appeared before the duty magistrate for a status conference on October 2, 2012. At that conference the parties requested more time to allow the defense to review and investigate new discovery related to uncharged tax violations. The court granted the parties request and excluded time. The status conference is currently set for April 30, 2013. After completing its review of the tax related discovery provided by the government, the defense retained an expert to calculate the tax loss based upon evidence from its investigation. This investigation has now been completed and the defense will produce a report and provide it to the government. In order for the defense to complete its report and for the government to have time to review this report, an additional six weeks is needed. For that reason the parties have agreed to continue the status conference to June 11, 2013 and ask the Court to order:

2. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. §3161, from April 30, 2013 to June 11, 2013. Failure to grant the requested continuance would unreasonably deny defense counsel time necessary for effective preparation, taking into account the exercise of due diligence and the need for the defense to complete its investigation related to potential tax fraud charges the government may seek in an anticipated superceding indictment.

3. Given these circumstances, the Court finds that the ends of justice served by excluding the period between April 30, 2013 through June 11, 2013, outweigh the best interest of the public and the defendant in a speedy trial and filing an indictment or information. 18 U.S.C. §3161(h)(7)(A).

4. Accordingly, and with the consent of the defendant, the Court orders that the period from April 30, 2013 to June 11, 2013, be excluded from the Speedy Trial Act calculations under 18 U.S.C. §3161(h)(7)(A) and (B)(iv).

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IT IS SO STIPULATED:

Dated: April 24, 2013

/s/
BRIAN C. LEWIS
Assistant United States Attorney

Dated: April 24, 2013

/s/
DEBORAH G. LEVINE
Attorney for Judy Rae Jarvis

ORDER

UPON STIPULATION OF THE PARTIES AND FOR GOOD CAUSE SHOWN, it is hereby ordered that the status conference currently scheduled for April 30, 2013 may be continued to June 11, 2013 at 9:30 a.m. before Magistrate Judge Donna M. Ryu.

IT IS FURTHER ORDERED that time is excluded based upon the defendant's need for adequate preparation and continuity of counsel according to the provisions of the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A) and (B)(iv). The Court finds that the interests of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial and failure to grant the continuance would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account due diligence.

Dated: 4/29/2013



DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE